



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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MINUTES LEGISLATIVE COMMITTEE CONFERENCE CALL MEETING

Date: February 12, 2009

Monitor

Location: 3rd Floor Conference Room, Raad Building
128 10th Ave. West, Olympia

Legislative Committee Members Present: Pat McBride, Chair; John Neff, Vice Chair;
John Chelminiak; Peter DeVries

Legislative Committee Members Absent: Kristyn Clayton, John Cochran, Jon Napier

Staff Present: Tim Nogler, Krista Braaksma, Sue Mathers

CALL TO ORDER

Pat McBride, Chair of the Legislative Committee, called the meeting to order at 3:00 p.m.
Pat welcomed everyone. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was reviewed and approved as written.

LEGISLATIVE UPDATE

SHB 1069 – Light pollution

Tim said SHB 1069, which passed out of the House Local Government Committee and advanced to House General Government Appropriations, has the State Building Code Council conducting a study.

Council staff prepared a fiscal note that shows fiscal impact similar to the private residential fire sprinkler study. General funds aren't requested. The study can be paid for out of the Council's regular appropriated account.

Pat asked how many jurisdictions don't have requirements for shielded light. John Chelminiak said he's not sure about specifics in Bellevue. He said parks always deal with shielded lighting. Bellevue's high-rise building code that allows lights to be attached to the tops of buildings is very, very restrictive. John Neff said Lacey covers shielded lighting through its zoning ordinance, which is currently pretty limited in scope. Peter DeVries said that shielded light is dealt with in the Bavarian design review ordinance within the City of Leavenworth. That requirement is restricted to commercial zoning and new Bavarian stone buildings.

Tim reminded Pat that the substitute bill calls for a study. Pro and con information will be compiled and submitted to the Legislature for its consideration in proposing future legislation. Basically the Council will bring interested parties together to discuss the issue, document it, and compile a report.

Pat asked when the report is due to the Legislature. Krista Braaksma answered November 25, 2009.

Tim said SHB 1069 doesn't have a companion bill in the Senate. While the future of this bill is unknown, John Neff said Representative Hunt predicted something will be adopted this session.

Pat asked for confirmation that the Council still opposes this bill. John said that opposition was to the original bill. He said the Council should favor the study, as do other previously opposing parties.

John Chelminiak expressed concern about SHB 1069 impacting the sign code, which is a very contentious issue for cities. John Neff absolutely agreed.

Peter said Leavenworth doesn't have an ordinance specifying the types of light fixtures allowed. A design review committee looks at the type of glass in the fixture, whether the light extends downward or upward, etc. Peter said he'd adamantly oppose legislation mandating the use of specific fixtures.

The consensus was to support the study called for in SHB 1069.

SSB 5561 – Carbon monoxide alarms

Tim said he testified about SB 5561. They told the Legislature that carbon monoxide alarms should be regulated by the Council instead of the State Fire Marshal's Office. A substitute version of the bill was introduced, changing regulation to the Council.

Tim said the bill is consistent with what's in the International Residential Code, including exemptions for all-electric residences lacking a combustion appliance. He said SSB 5561 is basically a mandatory state amendment.

Tim pointed out one concern: the last paragraph of the bill states that the Council **shall** ensure that alarms are maintained in rental occupancies. John Neff said rental occupancies are regulated by the Landlord-Tenant Act. Peter said such enforcement is outside of the Council's purview.

John Neff said SSB 5561 is scheduled for executive action today. Krista confirmed that it'll be in executive session in about 10 minutes.

Peter asked if the Council's position on this bill is to monitor. Tim said concerns were expressed about the original bill. Neutral monitoring of SSB 5561 was the agreed-upon Council position.

SB 5948 – Water conserving appliances

Tim said legislative staff contacted him about this bill sponsored by Senator Shin. It phases in the use of high-efficiency toilets, HETs, by 2013.

Such toilets are currently mandated in California. Their use has been reviewed by the plumbers' association here.

Tim expressed concern about the phase-in period. The bill calls for the Council to require retailers to offer HETs as 50 percent of their product by a date certain, phasing to mandatory statewide implementation by 2013. Even though Tim explained to legislative staff that regulating at the point of manufacture or sale is outside the scope of the Council, that provision remains in the bill.

Similar to SHB 1069, Tim said SB 5948 basically amounts to a state amendment proposal by the Legislature. John Neff agreed.

Peter said a high-efficiency showerhead would save more water than an HET, assuming everyone showers every day. John Neff agreed.

John Neff said an incredible amount of plumbing problems have occurred, following many retrofits to HETs in existing buildings. He said it's a huge plumbing/mechanical/engineering problem because of the piping. Pat agreed that HETs don't work. He said he's very opposed to the bill as it's currently written.

Krista said she's concerned because there's no coordination with another section of RCW 19.27 that has conflicting requirements. John Neff agreed.

Members agreed to a Council position of monitoring, with concerns. John Chelminiak voiced the Council's message to the Legislature: If you want to do this, we're not the appropriate body to regulate it.

Tim said there's a hearing on this bill on February 18 at 3:30 p.m. before the Senate Environmental, Water and Energy Committee. He can't attend because he'll be traveling to Spokane then.

HB 1747 – Climate pollution in the built environment

Tim said HB 1747 is scheduled for executive action next Monday. John Neff asked if anyone's seen any amendments. Tim said amendments won't be known until the executive session.

Tim said utilities and cities have some concerns about that portion of this bill that relates to municipal conservation utilities. John Neff agreed.

Pat said when you do the energy calculations, there's no wall cavity that will perform at the level HB 1747 calls for, much less windows and doors. He said the aggressive energy improvements in the bill are unrealistic, unattainable within the timeframe outlined. John Neff agreed the bill isn't achievable.

It was agreed to monitor HB 1747, with grave concerns.

HB 1187 – Solar hot water systems

Tim said this bill received a hearing. He's heard that a substitute version of HB 1187 may be introduced, in which Representative Chase, the prime sponsor, asks the Council to conduct a feasibility study of using solar hot water systems. So far, though, no substitute bill has surfaced.

Peter predicted that solar hot water systems won't work in eastern Washington locations of severe winter weather. Tim said such pros and cons will be documented if a study is done.

Pat said a Wall Street Journal article he read said while solar may be used to preheat a hot water system, using solar as the sole source for all domestic hot water won't work because roofs aren't big enough. John Neff agreed. Krista said a good portion of the testimony was that incentives should be granted for the voluntary use of solar hot water rather than mandatory legislation.

It was the consensus to neutrally monitor HB 1187.

HB 1481/SB 5418 – Electric vehicles

Krista said this bill is currently scheduled again for executive action on February 18.

Tim said concerns have been voiced by counties. He asked John Chelminiak to join him in a meeting with Representative Eddy on February 17 at 8 a.m. John Chelminiak said Representative Eddy is currently working with Cascadia about a possible pilot study of using electric vehicles in park and ride lots. He said Representative Eddy wanted the City of Bellevue to be involved. John Chelminiak, John Neff and Tim all agreed that the scope of HB 1481 is too broad. John Chelminiak volunteered to meet and discuss the bill with Representative Eddy. Tim said he plans to point out to her concerns that it applies to all parking spaces and that the electrical circuitry should involve the Electrical Section of the Department of Labor and Industries. John Neff agreed that L&I should be involved. Peter said Leavenworth has been watching the Port of Douglas/Chelan County, which is converting parking lots to support plug-in vehicles.

The Legislative Committee decided that the Council position on electric vehicles should be neutral, with concerns.

Other Bills of Interest

Tim said there are no other bills that directly impact the Council.

Legislative Hearings

Other than the hearing on February 18, all meetings are executive session. John Neff discovered that he has a time conflict. He's scheduled for a work session with the National Trust for Historic Preservation and the City of Seattle on February 18 in Seattle. Tim said he's been working with legislative staff about SB 5948. He'll inform them of Council concerns.

Tim asked members to review the Legislative Tracking Log for updated hearing schedule information.

ADJOURNMENT

Lacking further business, Pat adjourned the meeting at 3:38 p.m.